

VZCZCXRO0437
RR RUEHBC RUEHDE RUEHKUK RUEHROV
DE RUEHAM #0613/01 0640908
ZNY SSSSS ZZH
R 050908Z MAR 09
FM AMEMBASSY AMMAN
TO RUEHC/SECSTATE WASHDC 4611
RUEAWJA/DEPT OF JUSTICE WASHDC
INFO RUEHEE/ARAB LEAGUE COLLECTIVE

S E C R E T SECTION 01 OF 02 AMMAN 000613

SIPDIS
NOFORN

E.O. 12958: DECL: 03/04/2019

TAGS: [PREL](#) [KJUS](#) [JO](#)

SUBJECT: JORDAN'S JUSTICE MINISTER OUTLINES WAY FORWARD ON
EXTRADITION TREATY

REF: A. 08 AMMAN 1834
[1](#)B. 08 AMMAN 1128
[1](#)C. 06 AMMAN 1109
[1](#)D. 05 AMMAN 3151
[1](#)E. 03 AMMAN 7147
[1](#)F. 03 AMMAN 6518
[1](#)G. 03 AMMAN 3332

Classified By: Ambassador R. Stephen Beecroft
for reasons 1.4 (b) and (d).

[1](#)1. (U) This is an action request. See paragraph seven.

[1](#)2. (S/NF) Summary: In a recent meeting with Ambassador, Minister of Justice Ayman Odeh offered a way forward on the long-standing issue of the 1995 U.S.-Jordanian extradition treaty. The treaty, which was never ratified by parliament, was struck down as unconstitutional by the Jordanian courts in 1997. Odeh asserted that political barriers would continue to stand in the way of resubmitting the treaty as it currently stands. He suggested that the treaty be revised to remove mandatory extraditions in favor of a case-by-case system similar to the extradition treaties Jordan has with some Arab states. This is a highly sensitive matter for the Jordanian government and demands discretion on our part. After more than a decade of gridlock on the extradition issue, Odeh's proposal may be the best practical way forward.
End Summary.

Treaty, Interrupted

[1](#)2. (C) Ambassador and Minister of Justice Ayman Odeh met February 15 to discuss the status of the moribund U.S.-Jordanian extradition treaty. The treaty, which the U.S. still considers to be in force, was endorsed by both sides in 1995. King Hussein implemented the treaty as a provisional law, bypassing parliamentary scrutiny but making the treaty vulnerable to constitutional challenge (Ref A). In January 1997 the treaty was struck down by Jordan's High Court of Justice as unconstitutional. The ruling was procedural, not substantive -- the court ruled that the treaty had to be submitted to parliament under Article 33 of Jordan's constitution, which says that "treaties and agreements which...affect the public or private rights of Jordanians shall not be valid unless approved by the National Assembly." Successive governments have refused to send the treaty to parliament for ratification, usually with the excuse that "the time is not right."

[1](#)3. (C) Odeh made it clear to Ambassador that parliament would continue to view an extradition treaty with the U.S. with great suspicion for the foreseeable future. According to Odeh, MPs object to the treaty's provisions that mandate extradition, and they are concerned that Jordan will lack options when sensitive cases come to the fore. Overcoming this parliamentary objection would simply be "too difficult" in Odeh's eyes, particularly since no other treaties that

Jordan had entered into required extradition of Jordanian nationals. Odeh noted that Jordan has entered into a number of treaties that address the question of extradition. Those treaties take two distinct approaches to the subject. Some affirm that Jordan will not extradite Jordanian citizens in any case. Others, however, state that Jordan "may refuse to surrender Jordanian citizens" (Odeh cited Jordanian treaties with Lebanon, Syria, and Yemen as examples).

Odeh's Proposal

¶4. (S/NF) As a way to resolve the current impasse over the U.S.-Jordanian treaty, Odeh proposed drafting a new treaty along the lines of the current one with a revision stating that Jordan may refuse to surrender its citizens. The change from mandatory to discretionary extradition would, Odeh believed, ease passage of a treaty in parliament by allowing the government to refer to existing treaties. Odeh suggested that a revised treaty along the lines he suggested would, as a general matter, effectively allow the government to extradite Jordanian nationals as requested by the U.S. In a separate, earlier meeting, Prime Minister Nader Al-Dahabi informed the Ambassador that he was aware of Minister Odeh's proposal for revising the treaty and that he supported it.

Further Hurdles

¶5. (C) Article Nine of Jordan's constitution categorically states that "no Jordanian may be deported from the territory of the Kingdom." That broad prohibition is tempered,

AMMAN 00000613 002 OF 002

however, by Article 21, which says that "extradition of ordinary criminals shall be regulated by international agreements and laws." When asked about these further constitutional barriers, Odeh distinguished between the permanent expulsion of Jordanian nationals and extradition. He explained that the constitution barred the permanent expulsion of Jordanian nationals rather than "temporary" extradition, noting that extradited Jordanians could return to the country following their trial and/or imprisonment abroad.

Moving Forward

¶6. (S/NF) Odeh met with Ambassador one-on-one to discuss the status of the treaty and is treating the matter confidentially. Given this confidentiality, post is not consulting with Jordanian legal experts or others to obtain a second opinion on the legal and parliamentary viability of Odeh's proposal. Based on multiple previous efforts to address this issue and our analysis of the current parliamentary environment, however, we agree with Odeh's assessment that the Jordanian government will not now or anytime in the near future be willing or able to compel parliamentary approval of the current treaty.

¶7. (S/NF) Action Request: Odeh asked that the U.S. consider his proposal and then quietly respond through Ambassador. If the U.S. was willing to engage, Jordan would suggest arrangements for the two sides to meet and begin work.

Comment

¶8. (C) The extradition treaty issue has been an irritant in U.S.-Jordanian relations for over a decade (Refs B-G). After years of resistance to the issue by successive Jordanian governments, Odeh's overture is an indication that Jordan is seriously looking for ways to deal with the problem. His proposal may be the most practical and politically realistic way for the U.S. to pursue extradition of Jordanian and third country nationals.

